

ERIC SMITH 341583
New Jersey State Prison
P.O. Box 861
TRENTON NJ 08625
July 30, 2008

Honorable Peter G. Sheridan
United States District Court
M.L. King, Jr. Federal Building and Courthouse
50 Walnut Street
Newark, NJ 07102

Re: Eric Smith v. Michelle Ricci, et al.
Civil Action No. 08-1715 (PGS)

Your Honor:

I previously filed my request to withdraw my habeas corpus petition and to file a one all-inclusive petition subject to the one-year limitations period. I now hereby advise the court that, instead of filing a federal petition (at this time), I have opted to file a state postconviction relief petition, which is timely and therefore has the effect of tolling the habeas one-year time limit.

Respectfully submitted,

Eric Smith
Eric Smith

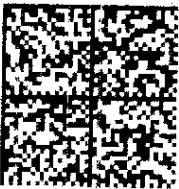
c: Theodore J. Romankow
Prosecutor of Union County

SO ORDERED: Peter G. Sheridan
DATED: 8/12/08

MR. ERIC SMITH #547383
New Jersey State Prison
P.O. Box 861
Trenton, N.J. 08625

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AT 8:30
WILLIAM T. WINSTON, CLERK

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